

In re Application of: B. Shankar *et al*  
Application No.: 10/803,577  
Filed: 03/18/2004

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**REMARKS**

This paper is filed in response to the Office Action, mailed August 09, 2006. A response to the Office Action was due on November 09, 2006. Applicant is filing this response with a three-month extension of time, therefore, this response, filed on or before February 9, 2007, is to be considered timely.

Claims 1-57 are pending in the application. Claim 1 has been amended. Claims 19, 20, 24-29 and 32-57 have been withdrawn. Claims 24-29 and 32-57 have been canceled. Claims 1-16, 22, 23, 30 and 31 have been rejected. Claims 17, 18 and 21 are objected. No new subject matter has been added to the subject application with the filing of this amendment. Applicants reserve their right to file continuation applications on the subject matter from the canceled claims.

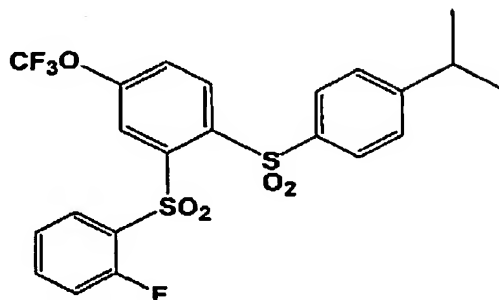
**Withdrawal of Claims 19 and 20 and Request for Rejoinder**

The Examiner restricted the pending application into Groups I-VI in the Office Action dated May 4, 2006. Group I is drawn to the compounds and compositions and process of making compositions of claims 1-23, 30 and 31. Presently the Examiner has withdrawn claims 19 and 20 from applicants' elected Group I.

Applicants respectfully request that claims 19 and 20 be rejoined into the elected claims of Group I as the Examiner had done in the May 4, 2006 Office Action. Applicants respectfully point out that similarities between R<sup>1</sup>, L<sup>1</sup>, L<sup>2</sup>, M<sup>2</sup> and Z of claims 19 and 20 and the elected compound (below) of claim 17, (see also page 43, Compound 12C) justifies the rejoinder of claims 19 and 20.

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Applicants also believe that due to such commonality, a complete examination of claims 1-23, 30 and 31 (as originally proposed by the Examiner) would not cause undue burden. Applicants further believe that the same art search will most probably apply to the alleged separate inventions, and respectfully submit that the restriction is improper. Applicants respectfully suggest that it is inappropriate to restrict claims 19 and 20 into separate inventions distinct from claims 1-18, 21-23, 30 and 31. Applicants respectfully request the rejoinder of these claims into those presently being examined.

#### Rejection under 35 U.S.C. §102(b)

The Examiner has rejected claims 1-16, 22, 23, 30 and 31 under §102 in light of Kozlowski et al. The Examiner stated that as per the compound of formula I on pages 2 and 3 and compound 12 of page 53, of the Kozlowski reference, the claimed compounds are anticipated.

In response, applicants respectfully traverse this rejection. Initially applicants, have amended claim 1, with the proviso that when R<sup>1</sup> is alkyl, it cannot be substituted with -NC(O)R<sup>2</sup>, -NR<sup>2</sup>C(O)OR<sup>2</sup>, -NR<sup>2</sup>C(O)N(R<sup>2</sup>)<sub>2</sub> or -N(R<sup>2</sup>)<sub>2</sub>. Applicants respectfully suggest that this amendment places their invention out of the scope of the Kozlowski's compounds in that Kozlowski's all have the following group: -CH(R<sup>5</sup>)(R<sup>6</sup>)-N(YR<sup>1</sup>)(ZR<sup>2</sup>), (an alkyl substituted with an amide-type group). Further, applicants respectfully point out that claims 19 and 20 are similarly novel with respect to Kozlowski et al. Therefore, applicants respectfully request the withdrawal of this rejection.

In view of the remarks above, applicants respectfully submit that the application is in condition for allowance. Accordingly, applicants request

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reconsideration of the application, withdrawal of the rejections of record and issuance of a Notice of Allowance.

No fees, other than the appropriate extension of time fees, are due by the submission of this paper however, if any fees are determined to be due by this paper, the Commissioner is hereby authorized to deduct such fees from **Account No. 19-0365.**

The Examiner is requested to call the undersigned attorney on any matter connected with this application.

Respectfully submitted,



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